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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
JESSICA ROSE KYSER, RN	:	
License # 26NR17641900	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>September 08, 2016</u> )
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

### FINDINGS OF FACT

1. Jessica Rose Kyser ("Respondent") was initially licensed as a Registered Professional Nurse in the State of New Jersey on October 27, 2014 and has been a licensee at all times relevant hereto. (Exhibit A).

2. Upon receipt of information indicating that Respondent was placed on a "Do Not Use" list after working as an agency nurse and being suspected of diverting Dilaudid and Morphine, the Board sent a Demand for Statement Under Oath to Respondent's address of record requesting information about the allegation, as well as additional information about her nursing practice, employment, and education. The Demand was mailed via regular and certified mail to the address in Wayne, New Jersey that Respondent had provided to the Board. According to the USPS website the certified mailing was returned as "Undeliverable as Addressed." The regular mailing was also returned as "Return To Sender, Not Deliverable As Addressed, Unable to Forward." (Exhibit B).

4. Respondent did not notify the Board of any change of address.

5. Respondent did not reply to the Board's Demand for Written Statement Under Oath.

### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7, subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Lastly, the allegations of diverting Dilaudid and Morphine, and the placement of Respondent on a "Do Not Use" list, raise sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 12<sup>th</sup> day of May, 2016,  
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in  
this matter:

1. Respondent's license to practice nursing is suspended until Respondent provides all certified answers to the Board's Demand for Written Statement Under Oath within ten (10) days upon receipt.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP"), demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, answers all inquiries to the satisfaction of the Board, and demonstrates that she is up to date with her continuing education. In the event that a Final Order of Discipline is issued that does not include a suspension, then Respondent shall enroll in and begin participation, or continue participation, with RAMP within 30 days of any Final Order of Discipline.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

6. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

7. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an

evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

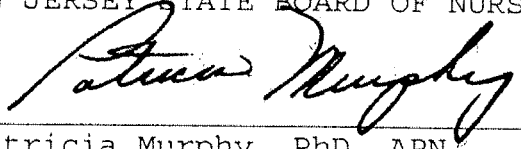
10. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

11. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent

ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
Board President